

REMARKS

Favorable reconsideration and allowance of the Claims of the present application are respectfully requested.

Applicants have carefully considered the Non-Final action mailed on September 11, 2008. Claims 1-17 are pending, with Claims 12, 14 and 16 being withdrawn from consideration. Of the pending Claims, the Non-Final Office Action has rejected Claims 1-11, 13, 15 and 17 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Pub. 2006/0046511 (hereinafter, "Shibata").

In view of the following remarks, Applicants request further examination and reconsideration of the present patent application.

Rejections under 35 U.S.C. §102

Claims 1-11, 13, 15 and 17 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Shibata.

Applicants would like to direct the Examiners attention to the fact that Shibata is the publication of the present application with the same application number 10/519,152. Further, since the Shibata reference is the publication of the present application, it can not have an earlier effective U.S. filing date. Therefore Shibata is not a proper prior art reference under 35 U.S.C. §102(e) or any other statutory provision.

Thus, it is respectfully requested that Claims 1-11, 13, 15 and 17 be allowed.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued.

Respectfully submitted,



Paul J. Esatto, Jr.
Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Suite. 300
Garden City, New York 11530
(516) 742-4343
PJE/DRB:vh